THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.17896 of 2005

12-08-2005

Between:

Dadi Srinivasa Rao S/o Paditalli.

... PETITONER

AND

1.Andhra University, rep. By its Registrar, Visakhapatnam and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.17896 of 2005

ORDER:

This writ petition is filed aggrieved by the impugned order passed by the first respondent-University dismissing the petitioner from service.

It is stated in the affidavit filed in support of the writ petition that the petitioner was charge sheeted for certain alleged irregularities and was called upon to submit his explanation. Accordingly, the petitioner submitted his explanation to the charges. As no enquiry was conducted, earlier the petitioner filed a writ petition, wherein this Court directed the respondent-authorities to conduct an enquiry before taking any action. Now, after conducting enquiry, the impugned order was passed dismissing the petitioner from service. The grievance of the petitioner is very limited that before the disciplinary authority accepted the enquiry report, no notice was issued and no copy of the enquiry report was furnished calling upon him to submit his objections, if any, as to the findings of the Enquiry Officer. The non-compliance of the said procedure, according to the petitioner, is in violation of the judgments of the Supreme Court in **Managing Director, ECIL v B.Karunakar** and **Punjab National Bank v Kunj Behari Misra**. Therefore, the petitioner sought for setting aside the impugned order on the simple ground of violation of principles of natural justice.

The learned Standing Counsel appearing for the respondent-University has fairly conceded that the enquiry report was not furnished to the petitioner as is evident from the impugned order itself.

Heard both sides and considered the material on record.

Under the above circumstances, the impugned order is set aside on the ground of violation of principles of natural justice alone and the matter is restored to the file of the disciplinary authority for taking appropriate action after serving a copy of the enquiry report on the petitioner calling upon his objections with reference to the findings of the Enquiry Officer. If any objections are filed by petitioner, the disciplinary authority is directed to consider those objections; and thereafter it is open to the disciplinary authority to pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

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12.08.2005

VGB